

Soviet Policy on the Nuclear Non-Proliferation Treaty

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The Soviet Union stands with the United States as coauthor of the Nuclear Non-Proliferation Treaty. The treaty went into effect in March of 1970, with the joint deposit of ratifications by both the U.S. and U.S.S.R. and with sufficient other ratifications to satisfy the treaty's requirement of at least 43. The treaty pledges nations already possessing nuclear weapons not to give them away and requires nations not yet having such weapons to forgo accepting them or manufacturing them indigenously. The latter nations furthermore submit themselves to inspection by the International Atomic Energy Agency (IAEA), which will verify compliance with the treaty's terms.

The U.S.S.R. can be said to have officially favored a ban on the spread of nuclear weapons for more than a decade, longer therefore than the United States. An explicit non-proliferation provision was included in the Soviet Memorandum on Partial Measures transmitted to the U.N. General Assembly in September of 1957,¹ and the U.S.S.R. supported the Irish General Assembly resolution opposing proliferation in 1958. For an even longer time, the Soviet Union had been committed to measures seemingly related in spirit to halting proliferation, to a complete ban on the existence or use of nuclear weapons anywhere (almost since 1945), to a halt on all testing of nuclear explosives (since 1955, with the Russians indeed launching a unilateral moratorium on such test detonations in March of 1958), and to various nuclear-free zones, geographically defined regions in which nuclear weapons would

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1. See U.S. DEPT OF STATE, PUB. NO. 7008, *DOCUMENTS ON DISARMAMENT 1945-1959* (1960) for a documentary record of the earlier Soviet proposals.

neither be used nor deployed (since 1956, including particularly the Polish Rapacki Plan of 1957).² All of these schemes would have made more difficult or impossible the spread of nuclear weapons to additional countries; at various points, Soviet statements acknowledged this constraint and welcomed it.

I. SUSPECT MOTIVES

Yet each scheme, if accepted, would indeed have had many additional effects, effects much less acceptable to the United States and its allies, effects leading the West to doubt the sincerity of the U.S.S.R.'s commitment to halting proliferation *per se*. To the end of the Eisenhower years, it was generally assumed that the U.S.S.R. primarily wanted to "delegitimize" any and all use of nuclear weapons, because the U.S. was thought to hold a superiority in this area and because the defense of Western Europe seemingly depended on the threat of escalation to this form of weaponry. Soviet proposals to limit membership in the nuclear club were thus normally entangled with bans on any use of nuclear weapons even by "members of the club." When not explicitly conjoined, such Soviet proposals on nuclear weaponry were almost naturally misunderstood to be overlapping and logically related and implicitly presented so in Soviet disarmament propaganda.

The Eisenhower administration may indeed have been reluctant to see nuclear weapons proliferate beyond the three states which held them in 1952, the U.S., U.S.S.R., and United Kingdom. Yet Soviet proposals for an explicit NPT necessarily had to be viewed with suspicion as long as the Republicans could not consider any bans on the use of nuclears in defense of Western Europe. It would be some time before a halt to proliferation came to be seen as not suggesting a no-first-use obligation on the states already holding nuclear weapons. After the Russians by their own weapons acquisitions and strategic declarations had come to accept escalation to nuclear warfare for certain circumstances, an NPT might be viewed in a different Cold War context.

There was also a problem of inspection or verification, the core of so much of the Soviet-American argument on other forms of disarmament. The United States had consistently contended that outside inspection would be required to induce compliance with the terms of any disarmament agreement, and the Soviet Union had almost as consistent-

2. For the text of the Rapacki Plan *see id.* at 889. For an interesting analysis of Soviet intentions in formulating various arms control proposals, *see* L. BLOOMFIELD, W. CLEMENS & F. GRIFFITHS, *KHRUSHCHEV AND THE ARMS RACE* (1966).

ly responded that this really negotiated in good faith would be to police it. Despite the demand and the halting of proliferation dispute would be to deny or affirm a need for vindicated positions taken.

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II. PROLIFERATION

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3. *See* A. KRANISH, *THE PEACEFUL*

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ly responded that this really amounted to espionage, that an agreement negotiated in good faith would be executed without foreign inspectors to police it. Despite the differences between other types of disarmament and the halting of proliferation, it was thus likely that the verification dispute would be worked into the proliferation problem, since to deny or affirm a need for inspection here would seemingly have vindicated positions taken elsewhere.

This contest on inspection is illustrated in a series of Irish anti-proliferation resolutions presented to the U.N. General Assembly from 1958 to 1960. The United States abstained (*i.e.*, showed its opposition) on the resolutions in 1958 and in 1960, in each case citing the omission of verification in the resolution text. The 1959 resolution seemed tailored to American two-key policies in referring to transfers of "control" rather than "possession"; this 1959 resolution thus drew the support of the U.S. and the abstention (*i.e.*, opposition) of the Soviet bloc.

Consistent with these positions, the U.S.S.R. consistently opposed IAEA inspection operations until 1963. As with other forms of disarmament, the Soviet Union might have been sincerely in favor of halting nuclear proliferation, but not if this required extensive international inspection to certify that each side was carrying out the bargain.

II. PROLIFERATION FROM MOSCOW

The argument that international inspection was indeed necessary is supported by evidence that the U.S.S.R. itself did not impose strict safeguards on the reactors and fuels it delivered to other countries in the late 1950's.³ Some of these, to be sure, were research reactors which handled relatively insignificant amounts of uranium and plutonium. But others, *e.g.*, those exported to China, were of more significant size. The Soviets could have imposed strict controls similar to those the U.S. insisted upon for its exports, but they refrained from doing so.

It is difficult to believe that China's progress to A- and H-bombs was not thus accelerated by aid received from the Soviet Union prior to 1960. It is also unlikely that the Russians intended Peking to have such bombs. The first Chinese bomb utilized a uranium core, rather than plutonium as had been expected, and therefore forboded a more rapid progress to the H-bomb. One theory has it that the Soviet Union had not only supplied power reactors (which use uranium as a fuel and produce plutonium), but also an enrichment plant which prepared

3. See A. KRAMISH, *THE PEACEFUL ATOM AND FOREIGN POLICY* 61-65, 179-82 (1963).

uranium for use in reactors (or in bombs).⁴

The Chinese success must be attributed in some part to Russian carelessness on how readily such aid could be applied for military purposes, as well as to Russian hopes that the Communist alliance might yet thereby be maintained (in the process perhaps maintaining enough leverage to veto any Chinese bomb decisions). Giving the Chinese a more flatly negative answer would have had a price for Moscow, a price that was still quite high in 1958.

Proliferation of a very different sort was involved in the deployment of Soviet missiles to Cuba in 1962. We might suppose that the Russians would not have relinquished control over such weapons to Castro, just as we have not relinquished control to Turkey or West Germany. Yet the reaction of the United States was at least in part due to the implicit fear of firing control passing into the hands of the Cubans. It is always difficult to be sure that such weapons when deployed amongst a satellite's troops will not come into its control. One can design elaborate devices, as the United States indeed has done, to make firings difficult if Cuban or West German soldiers overpowered the representatives of the great power owning the weapons.⁵ We do not know if such devices could have existed on the missiles deployed to Cuba.

The Kennedy Administration's extreme reaction to the missile deployment might simply have illustrated a special aversion to armament for Castro. Yet Kennedy had been much more explicitly averse than Eisenhower to any general spread of nuclear weapons, more willing to pay some price to "put the nuclear genie back into the bottle." In part this derived from new doubts on whether the prospect of nuclear escalation in a European war really benefited the United States; missiles and H-bomb tests had also moved the U.S.S.R. into a position where it might no longer be suspected of seeking to "delegitimize" all use of nuclear weapons. In the aftermath of Cuba, and even before, Moscow could thus have been more sure that the Democratic Administration would support a formal ban on proliferation. President Kennedy's attitudes had been shown in the 1961 revised U.S. General and Complete Disarmament Plan, which included a non-proliferation clause, and by the United States vote that year for the Irish Resolution in the U.N. General Assembly.

4. See A. Kramish, *The Great Chinese Bomb Puzzle—and a Solution*, FORTUNE, June 1966, at 157-58.

5. See J. LARUS, NUCLEAR WEAPONS SAFETY AND THE COMMON DEFENSE 80-86 (1967) for a detailed discussion of the PAL device.

III. THE TEST-BAN

The Nuclear Test-Ban Treaty followed well after the termination of the Sino-Soviet alliance in Peking, although the first Chinese came. The development of a joint Sino-Soviet ban is long and complicated, and on the spread of nuclear weapons.⁶ As with the proliferation of nuclear weapons, ban proposals at first seemed intended to use nuclear weapons, and the clear that agreement on a total test-ban factually mobilized world opinion against an informal moratorium entered into by the United States in 1958 to 1961 did not dissuade France in 1960. The final Test-Ban Treaty, which excluded China from entering the club, would have been perfectly legal had Peking denounced the treaty as fraudulent.

The Test-Ban Treaty was most important in its joint interest in avoiding additional nuclear weapons signed by most nations of the world to prevent proliferation. Had the formal treaty been signed on explosions, rather than simply on the use of nuclear weapons, it might have approximated an implicit ban on nuclear weapons. It might have been theoretically possible for a country to produce bombs without any test detonations, but this was a conclusive way to convince the world of the validity of the treaty. As it is, a country like India can enter its treaty obligations, simply by keeping its nuclear weapons underground.

The occasion of the Test-Ban Treaty was the signals from the U.S. indicating further American suggestions of possible joint Sino-Soviet action from producing nuclear weapons, U.S.S.R.⁸ It was apparently too early

6. See H. K. JACOBSON & E. STEIN, DIPLOMACY AND THE NUCLEAR TEST-BAN: AN IN-DEPTH ACCOUNTING OF THE ISSUES AND THE TREATY.

7. See, e.g., *A Comment on the Soviet Test Ban*, PEKING REVIEW, Sept. 6, 1963, at 7, 9.

8. N.Y. TIMES, Oct. 2, 1964, at 3, col. 1.

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The Nuclear Test-Ban Treaty followed the Cuban missile crisis and came well after the termination of any Russian nuclear assistance to Peking, although the first Chinese nuclear detonations were yet to come. The development of a joint Soviet-American position on the test-ban is long and complicated, and only partially related to halting the spread of nuclear weapons.⁶ As with anti-proliferation treaties, the test-ban proposals at first seemed intended to compromise the U.S. prerogative to use nuclear weapons, and thus the American deterrent. It was clear that agreement on a total test-ban at any point would have ipso facto mobilized world opinion against "nth" nuclear powers; yet the informal moratorium entered into by the U.S., U.K., and U.S.S.R. from 1958 to 1961 did not dissuade France from detonating its first bomb in 1960. The final Test-Ban Treaty of 1963 was seen as possibly hindering China from entering the club, albeit an underground detonation would have been perfectly legal had Peking chosen to sign. As it was, Peking denounced the treaty as fraudulent Soviet-American collusion.⁷

The Test-Ban Treaty was most importantly a signal of Soviet-American joint interest in avoiding additional proliferation, and (after it was signed by most nations of the world) an imperfect barrier to such proliferation. Had the formal treaty been written as a total prohibition on explosions, rather than simply on explosions above the ground, it might have approximated an implicit non-proliferation treaty. It would have been theoretically possible for nations to design and assemble bombs without any test detonations, but tests are still perhaps the only conclusive way to convince the world that one indeed has the bomb. As it is, a country like India can enter the club today without violating its treaty obligations, simply by keeping its test detonation below the earth's surface.

The occasion of the Test-Ban Treaty apparently coincided with some signals from the U.S. indicating further interest in halting proliferation. American suggestions of possible joint military efforts to pre-empt China from producing nuclear weapons, however, were rebuffed by the U.S.S.R.⁸ It was apparently too early or too late to ask Moscow to con-

6. See H. K. JACOBSON & E. STEIN, *DIPLOMATS, SCIENTISTS, AND POLITICIANS* (1966) for an in-depth accounting of the issues and processes involved in negotiating the Test-Ban.

7. See, e.g., *A Comment on the Soviet Government's Statement of August 21*, PEKING REVIEW, Sept. 6, 1963, at 7, 9.

8. N.Y. Times, Oct. 2, 1964, at 3, col. 2.

template war against Peking in conjunction with the Americans, even for the good cause of stopping nuclear proliferation.

IV. MIXED MOTIVES

With the finalization of an open break with Peking, the Soviet position on nuclear proliferation might have come to seem much clearer between 1963 and 1967; there would be no question of offering nuclear weapons to any Communist state, and pressure would be applied to having the U.S. promise not to proliferate to its allies. Having nothing to lose anymore by the treaty, the U.S.S.R. could thus hope to keep West Germany from the bomb, as well as such non-aligned states as India or Israel. If Cuba or Rumania might yet want the bomb, there would not be any indecision as with China on whether it could be denied them. Indeed, the Russian signature on a non-proliferation accord could be cited as a convenient excuse to divert any such requests when they should come.

Western commentary on Soviet commitment to the NPT has thus settled toward several abstractions. The first could be labelled as cold-warrior skepticism, the argument that Moscow obviously supports the treaty wholeheartedly, because it has everything to gain and nothing to lose in the classical cold-war context. The pill is not bitter for Moscow, because it did not intend to give nuclear weapons away to any of its allies (to Hungary, to Czechoslovakia?). The NPT is rather a clear victory in that it denies the U.S. the right to supply such weapons to Bonn or to the NATO Multi-Lateral Force (MLF). If it thereby embarrasses Bonn, so much the better.

Yet this argument somewhat oversimplifies the Russian calculus of costs and gains on the treaty. If the pill is not bitter for Moscow, it is bitter enough for Cairo, New Delhi, Havana, and many other capitals, and forcing a bitter pill on someone else can itself be a bitter experience. Once Moscow chose to endorse the NPT publicly, it thus inflicted some costs on itself, in sharing the resentment which otherwise might only have been directed against Washington and London. The U.S.S.R., in short, could have emulated France, hoping that proliferation would not occur, but refusing to accept the onus of endorsing concrete steps to block it. In cold war terms, it has sacrificed some of its political position by openly endorsing the treaty.

Having thus proven that Soviet support for the treaty transcends a simple cold war calculus, a second set of commentators has adopted the abstraction that Moscow is indeed as fully and abstractly committed to halting proliferation as is the United States. Events outside of Europe

could easily explain a more serious of proliferation everywhere. China 1961, clearly capturing the attention nuclear development. In 1965, Kashmir again, and the U.S.S.R. to negotiate a peace at Tashkent. research in Israel, based on French saw Israel defeat the Arab states in Soviet intentions had been with regard nuclear weapons were increasingly and South Asia, and the Soviet Union this possibility not be realized in

Yet such an analysis can exaggerate. Questions of "delegitimizing" nuclear modeled as the Soviet Union indeed, but some other cold war considerations. Having for so long denounced arms was still embarrassing for the U.S.S.R. Much more importantly, it seemed might resist committing itself to East German communist regime in ment of the Bonn regime, the treaty in this direction, if one phrased the revanchist qualities rather than to draft. Stressing the treaty's application damage to the Soviet position in full responsibility for administering even to the very present, the U.S.S.R. to make, between sincerely advancing powers are likely to want and expect NPT for gains in the cold war context.

Doubts of Soviet sincerity concerning even after 1963 and the Test-Ban. ingly continued Russian opposition of any ban on proliferation. The included a requirement for "applying national safeguards."⁹ The Russian no mention at all of inspection saf

9. U.S. ARMS CONTROL & DISARMAMENT DISARMAMENT 1965, at 317-49 (1966).

10. *Id.* at 443-46.

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could easily explain a more serious Russian commitment to the halting of proliferation everywhere. China detonated its first nuclear device in 1964, clearly capturing the attention of persons influential in Indian nuclear development. In 1965, India and Pakistan went to war over Kashmir again, and the U.S.S.R. found itself offering its good offices to negotiate a peace at Tashkent. Continuing reports emerged of nuclear research in Israel, based on French assistance. In 1967, the Middle East saw Israel defeat the Arab states in another round of war. Whatever the Soviet intentions had been with regard to the European strategic balance, nuclear weapons were increasingly possible now in both the Middle East and South Asia, and the Soviet Union would most probably prefer that this possibility not be realized in areas so prone to armed conflict.

Yet such an analysis can exaggerate Soviet commitment to the treaty. Questions of "delegitimizing" nuclear weapons had now become outmoded as the Soviet Union indeed approached parity in nuclear strength, but some other cold war considerations would still remain important. Having for so long denounced arms control inspection as espionage, it was still embarrassing for the U.S.S.R. to express enthusiasm about it. Much more importantly, it seemed likely that the West German regime might resist committing itself to an NPT. Since the strength of the East German communist regime always depended on some disparagement of the Bonn regime, the treaty obviously could offer opportunities in this direction, if one phrased the NPT question to stress Bonn's evil revanchist qualities rather than to advance the prospect of an agreed draft. Stressing the treaty's application to Germany might further reduce damage to the Soviet position in India, as Moscow could take less than full responsibility for administering the "bitter pill." At all points, even to the very present, the U.S.S.R. has thus had some important choices to make, between sincerely advancing an agreement that both the superpowers are likely to want and exploiting the American desire for an NPT for gains in the cold war context.

Doubts of Soviet sincerity concerning an NPT have thus persisted even after 1963 and the Test-Ban, doubts supported at first by a seemingly continued Russian opposition or indifference to inspection as part of any ban on proliferation. The first American NPT draft in 1965 included a requirement for "application of IAEA or equivalent international safeguards."⁹ The Russian draft which followed conversely made no mention at all of inspection safeguards.¹⁰

9. U.S. ARMS CONTROL & DISARMAMENT AGENCY, PUB. NO. 34, DOCUMENTS ON DISARMAMENT 1965, at 347-49 (1966).

10. *Id.* at 443-46.

V. PROPAGANDA AGAINST BONN

The two treaty drafts differed equally as much on any multi-national nuclear forces which might be established in the future, and this clearly suggested that the U.S.S.R. was now adapting the NPT issue as a means of baiting Bonn. The only multi-national force under consideration in the middle 1960's was the NATO Multi-Lateral Force (MLF); a scheme primarily originated in the United States State Department with a view to giving Germans and others a sense of participation in nuclear matters, without also giving these countries the capability for firing nuclear weapons in the absence of American approval. Few countries in Europe had shown any real enthusiasm for the MLF scheme, which had come to mean surface ships with mixed crews, carrying Polaris missiles. West Germany had committed itself essentially in response to American urging. The U.S. NPT draft was written explicitly to allow such an MLF force, while the Soviet draft was written explicitly to forbid it. Russian attacks on the MLF centered on charges that it was intended to give Bonn its own nuclear capability.

It might indeed be unfair to interpret the Soviet opposition to the MLF simply as putting anti-German propaganda ahead of progress on halting proliferation. To be sure, the MLF as proposed offered the Germans only a safety-catch on some of the U.S. arsenal, and no finger on the trigger; portrayed quite logically, it constricted the options for use of some nuclears, rather than creating any new options. A large number of American nuclear weapons were already in place in West Germany (and today continue to be), under "two-key" arrangements not really different from what would have applied on the MLF. Yet the U.S. statements on the MLF were not resolute in asserting that the U.S. would always retain its veto. While no statement of the President ever said as much, statements of State Department officials hinted at times that a joint European control body might someday assume firing control over the MLF without an American veto. Surely this would have included Britain and France, so that there would still not have been any "proliferation." Yet the pace of the general political (as opposed to logical) momentum would thus have suggested further relaxations of veto until Bonn someday might have been asking for the right to fire without approval from any nuclear power. The mere proximity of German sailors to the warheads of the MLF indeed suggested the emergence of such authority; MLF might thus have whetted appetites which would then have remained unsatisfied until real proliferation had taken place.

The West German elections of 1966 brought the Social Democrats into

the cabinet in the Grand Coalition, especially as the SPD had been opposed in Germany. The new government in Bonn limbed onto which it unenthusiastically States, and the U.S. could drop all emphasis without too much embarrassment to political outlook was not the result of to make further pressure on this issue Germans no longer talking about the any reason to fear proliferation in which many no longer committed to the MLF Bonn's reputation as much by harping joint NPT draft presented late in 1967 question, in a relatively vague wording might interpret differently if the matter arise seriously again.

With the MLF issue defused, however, had not yet lost interest in engaging the end of 1967, the Russians had completed inspection, now insisting on IAEA safeguards on weapons, even where the U.S. might accept equivalent forms of control. If it were West Germany and Euratom, the more generous concession to earlier Western would not occur within the boundaries could claim that Moscow had not come from inspection. Yet IAEA safeguards of the Russian satellites; despite the socialist regimes to the presence of outsiders, would now have access to their nuclear

Yet the major problem was that Euratom itself for almost ten years now, in a quite satisfactory. Skeptics thus feared the treaty for its disparagement of the the enthusiastic Russian endorsement. The United States had fallen into a trap the special status of Euratom strongly to uphold Euratom, in that it was a system, and in that it supported more Germans presented such arguments, but again accuse them of wanting bombs of NPT.

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the cabinet in the Grand Coalition, easing the Russian choice considerably as the SPD had been opposed in principle to nuclear weapons for Germany. The new government in Bonn could thus come off the MLF limb onto which it unenthusiastically had been coaxed by the United States, and the U.S. could drop all emphasis on the multi-lateral option without too much embarrassment to its ally. The change in German political outlook was not the result of Russian pressure, but it served to make further pressure on this issue less necessary or profitable. With Germans no longer talking about the MLF, Moscow would not have any reason to fear proliferation in quite such a near future. With Germany no longer committed to the MLF, Moscow could no longer erode Bonn's reputation as much by harping on the multi-lateral option. The joint NPT draft presented late in 1967 thus neatly finessed the MLF question, in a relatively vague wording which each side in principle might interpret differently if the multi-lateral question were ever to arise seriously again.

With the MLF issue defused, however, it seemed that the U.S.S.R. had not yet lost interest in engaging Bonn on the text of NPT. By the end of 1967, the Russians had completely reversed their position on inspection, now insisting on IAEA safeguards for all nations renouncing weapons, even where the U.S. might have been willing to substitute equivalent forms of control. If it were not for the special problems of West Germany and Euratom, the move might have been seen as a generous concession to earlier Western positions. This inspection still would not occur within the boundaries of the U.S.S.R. so that cynics could claim that Moscow had not conceded any of its total exemption from inspection. Yet IAEA safeguards would now take effect within all of the Russian satellites; despite the sensitivity of these states' Communist regimes to the presence of outsiders, inspectors from the Vienna agency would now have access to their nuclear plants.

Yet the major problem was that Euratom had been allowed to inspect itself for almost ten years now, in a system which its members found quite satisfactory. Skeptics thus feared that Moscow was still playing the treaty for its disparagement of the West German regime and cited the enthusiastic Russian endorsement of IAEA inspection as evidence. The United States had fallen into a trap, in this view, by not supporting the special status of Euratom strongly enough. There were good reasons to uphold Euratom, in that it was a proven and non-obtrusive control system, and in that it supported momentum for European unity. If Germans presented such arguments, however, the Russians could now again accuse them of wanting bombs and wanting to avoid all forms of NPT.

It is indeed likely that some of the Russian dogmatism on IAEA

authority reflected a reaching for some additional propaganda mileage at the expense of the German Federal Republic. Yet Russian aversions to any exemption from IAEA inspection may not have been so unreasonable and indeed were somewhat shared by the American delegation at Genève. If very special treatment had been granted to Euratom, Japan would have demanded something similar. All the Euratom members are also members of NATO, and Americans would not have reacted with enthusiasm to a parallel inspection organization of only Warsaw Pact members (albeit that the Russians might plausibly now have been trusted to see that none of their satellites acquired weapons). Imagery can cause problems even when the images lack reality, on either side of the Iron Curtain; for an outsider, it would not always be apparent that Germans were not about to dominate the decision-making process of Euratom.

Having adopted the American position on inspection more strenuously than the Americans themselves (having become embarrassingly "more Catholic than the Pope") the Russians could thus not yet come to agreement with the United States on a complete NPT draft. The first agreed draft of August 1967 conspicuously lacked an Article III on inspection, which would only be inserted in January of 1968. The wording of the compromise Article III suitably left unsettled a number of the issues of Euratom versus IAEA authority; in general it required all signatory non-weapons nations to negotiate a safeguards agreement with Vienna but allowed that this negotiation could be handled "either individually or together with other states" (i.e., Euratom). A final compromise between Vienna and Brussels thus remains still to be established. Until it is, a temptation can always emerge for Moscow to come down too heavily for the authority of the Vienna agency. Yet Russian pressure here of late has not suggested any lack of interest in getting Bonn and its Euratom partners to accept NPT as it stands.

VI. NPT, FROM SIGNATURE TO RATIFICATION

Since the presentation of a joint NPT draft, Moscow has continued to show more commitment to the treaty than as simply a propaganda vehicle against Bonn. Obvious Soviet pressure was brought to bear to persuade almost all the Arab states to sign the treaty in July of 1968, immediately after it was formally offered (Algeria was the only exception among Arab states receiving aid from the U.S.S.R. while Saudi Arabia also refused to sign). Since Israel did not sign, such pressures for the moment have not sufficed to induce any Arab ratifications, but the mere signatures were clearly unpopular moves in the Arab capitals,

moves which consumed some of the leverage.

The U.S.S.R. has similarly made Japan sign the treaty, even at point of guarantee of doing anything more for these countries.¹¹ Where a spokesman's arguments opposing the NPT, Russian was abrasively clear in denying them. To ignore any charges that IAEA inspection is too troublesome to be borne by peaceful nuclear explosives, Moscow played a simple cold war game, the only to rebut such attempts to make the treaty only have addressed itself to the alliance vanishing.

Yet one can still find some Soviet 1968-1970 period. If Moscow had waited to the acceptance of the NPT, some or all of its peaceful nuclear facilities. United States and Great Britain have of view, such gestures are not meant to subject such facilities to strenuous super-powers have no need to produce facilities. If the U.S.S.R. is substantive gesture of the U.S. and Britain still have had some beneficial effect perceive the logical non sequitur, could such "sharing of the inspection burden."

Thus the rejection of IAEA access to residual aversions to inspection which agreements with the United States on disarmament.

11. See *Soviet Comments*, SURVIVAL, May 1968, broadcast text on an early Soviet discussion of India and Japan. For later comments similar to *Treaty and Security*, INT'L AFF., Jan. 1969, and *Treaty and Non-Nuclear States*, INT'L AFF., Jan. 1970.

A very useful cross section and analysis of the treaty can be found in R. KOLKOWICZ, M. P. GALL, and P. COLEMAN, *THE SOVIET UNION AND ARMS CONTROL* (1970).

12. U.S. ARMS CONTROL & DISARMAMENT, *U.S. ARMS CONTROL & DISARMAMENT* 1967, at 147 (1968).

nal propaganda mileage. Yet Russian aversions have not been so unrealistic. The American delegation invited to Euratom, Japan and Euratom members are not have reacted with only Warsaw Pact (possibly now have been of weapons). Imagery of reality, on either side not always be apparent in decision-making process

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Moscow has continued simply a propaganda has brought to bear to treaty in July of 1968, was the only ex- U.S.S.R. while Saudi not sign, such pressures Arab ratifications, but in the Arab capitals,

moves which consumed some of the Russian stock of influence and leverage.

The U.S.S.R. has similarly made clear its preference that India and Japan sign the treaty, even at points where such statements had no guarantee of doing anything more than antagonizing individuals in these countries.¹¹ Where a spokesman of a recalcitrant state clings to arguments opposing the NPT, Russian spokesmen have been quite abrasively clear in denying them. Thus Moscow has denounced as erroneous any charges that IAEA inspection will be too costly, or discriminatory, or too troublesome to be borne by non-weapons states. As Brazil and other states were touting the special properties and advantages of peaceful nuclear explosives, Moscow quite consistently has declared that these are indistinguishable from military bombs.¹² If the U.S.S.R. had played a simple cold war game, the United States might have been left to rebut such attempts to make the treaty ineffective, and Moscow would only have addressed itself to the alleged threats of German nuclear revanchism.

Yet one can still find some Soviet conflicts of interest on NPT in the 1968-1970 period. If Moscow had wanted to make a maximum contribution to the acceptance of the NPT, it could have voluntarily opened some or all of its peaceful nuclear facilities to IAEA inspection as the United States and Great Britain have done. From a strictly logical point of view, such gestures are not meaningful; IAEA inspectors hardly need to subject such facilities to strenuous or costly inspection, since the super-powers have no need to produce bombs clandestinely in peaceful facilities. If the U.S.S.R. is substantively correct in scoffing at the publicity gesture of the U.S. and Britain, the gesture, nevertheless, might still have had some beneficial effect in countries which did not fully perceive the logical non sequitur, countries which would have welcomed such "sharing of the inspection burden" by all the super-powers.

Thus the rejection of IAEA access by Moscow must be attributed to residual aversions to inspection which still persist from the 1950's arguments with the United States on disarmament. Within the Soviet Union,

11. See *Soviet Comments*, SURVIVAL, May 1967, at 150-51 for a reprint of the broadcast text on an early Soviet discussion of the treaty specifically mentioning India and Japan. For later comments similarly explicit, see Alexeyev, *Non-Proliferation Treaty and Security*, INT'L AFF., Jan. 1969, at 10-14; and Alexeyev, *Non-Proliferation Treaty and Non-Nuclear States*, INT'L AFF., Mar. 1969, at 9-13.

A very useful cross section and analysis of Soviet public statements on proliferation can be found in R. KOLKOWICZ, M. P. GALLAGHER & B. LAMBETH, with W. CLEMENS & P. COLM, *THE SOVIET UNION AND ARMS CONTROL: A SUPERPOWER DILEMMA* 70-115 (1970).

12. U.S. ARMS CONTROL & DISARMAMENT AGENCY, PUB. NO. 46, *DOCUMENTS ON DISARMAMENT* 1967, at 147 (1968).

if no longer within Rumania or Poland, inspection smacks of espionage, of threats to the military security and strength of the one great socialist state which has the responsibility for defending all other socialist states.

What remains unclear is whether this residual distrust of external inspection serves to make the U.S.S.R. sympathetic to "near-nuclear" nations which distrust inspection for only slightly different reasons. If the Russians have talked for so long about military espionage, will this make them sympathetic to West German anxieties about commercial espionage? Or, after Bonn has ratified the treaty, might the Russians be tempted to lobby within the IAEA instead for very thorough inspection, to embarrass the Germans and obstruct their industry?

VII. NPT WITHIN THE SOCIALIST CAMP

Open Russian support for the treaty antagonizes not only national governments, but some local Communist parties as well. The Japanese Communist Party, for example, has come out in opposition to the NPT. We thus paradoxically see the Liberal Democratic government in Tokyo attacked by Communists on two sides of the issue, by Moscow for not endorsing the treaty more quickly and by the JCP for not rejecting it.

The Russian stand has, of course, drawn the fire of Communist China, which consistently has denounced the NPT in the same terms as the test-ban, as fraudulently unrelated to real disarmament, as the product of Soviet-American collusion. The Chinese stand probably influences the Japan Socialist Party in Tokyo even more than it affects the JCP, and the JSP indeed also has denounced the treaty. Chinese attitudes naturally explain much of Albanian denunciations of and abstentions from the NPT. Yet one encounters disquiet about the treaty also at the opposite end of the Communist spectrum. Yugoslavia has signed and ratified the NPT but expressed serious reservations about what seem to be the unequal sacrifices of nuclear and non-nuclear states under the treaty's terms.

Except for Albania, the Communist states of Eastern Europe were brought along to sign the treaty on the day it was offered. Rumania surprised a number of commentators in that it signed the treaty on the first day, after having criticized it quite extensively only a few months earlier.¹³ Simple considerations of style might have suggested waiting a few weeks to present a consistent image of displeasure. The Russians

had not yet invaded Czechoslovakia, yet have felt a very strong fear of infidelity to Moscow. Still the Rumanian attitude of Russian seriousness about the treaty that it was taking the NPT much more seriously than expected, such that continued need for it seriously worsen relations. If Ceausescu, under Russian leadership, he was apparently sensitive issue. Rumania had good reason to show independence of Moscow, to show a general game of small members of the Warsaw Pact. If the U.S.S.R. had limited its nuclear arsenal, it must therefore have attached some value to it to expend this much of it on the Rumanians.

No Asian communist state signed the treaty, which illustrates the need for these states to have a closer relation to Moscow's and hardly proves a lack of interest.

Cuba did not sign the treaty. Peking play some role here also, but the Cuban position of Russian invasion as with Rumania, to some extent got rolling with Khrushchev's anti-proliferation demands on Soviet leaders. It is probable that Castro is in no mood to enter into a treaty which would have been close to becoming the first step in the process of not celebrating being a near-miss.

Cuba has also refused to sign the treaty. It has reportedly established a nuclear-free zone in the Caribbean. The relation of the treaty to non-proliferation is a complex one. The United States has adhered to the treaty, but it retains the right of transit of nuclear weapons. It would again have been difficult to get Cuba to sign, thus seemed to give the U.S. all it wanted. Cuba's right to the weapons of 1962 was not enough. Cuba refused to endorse Tlatelolco, and the U.S. made a concession to Cuba. Yet explicit Soviet policy on the Cuban treaty hinge also on its total ban on nuclear explosives. The U.S.S.R. distinguishes between nuclear weapons and nuclear explosives, against nuclear proliferation, against nuclear war, and American good will.

13. See U.S. ARMS CONTROL & DISARMAMENT AGENCY, PUB. NO. 52, DOCUMENTS ON DISARMAMENT 1968, at 33-35, 167-71, 383-87 (1969) for a synopsis of the Rumanian position.

14. See DOCUMENTS ON DISARMAMENT 1968, at 167-71, for a synopsis of the Cuban position on the Treaty of Tlatelolco.

of espionage, great socialist states, of external "near-nuclear" reasons. If, in the end, will this be a commercial treaty with the Russians through inspection?

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had not yet invaded Czechoslovakia, so the Rumanian regime could not yet have felt a very strong fear of invasion if it dared to show token defiance to Moscow. Still the Rumanian behavior thus serves as an index of Russian seriousness about the treaty. Moscow apparently signalled that it was taking the NPT much more seriously than Bucharest had expected, such that continued needling on this question would indeed seriously worsen relations. If Ceausescu wished to show independence of Russian leadership, he was apparently warned to pick a somewhat less sensitive issue. Rumania had good reasons to object to the treaty, to show independence of Moscow, to show respect for Peking, to play the general game of small members of each alliance standing up to its grand patron. If the U.S.S.R. had limited leverage in the Rumanian case, it must therefore have attached some high priority to the NPT in order to expend this much of it on the Rumanian signature.

No Asian communist state signed the treaty except Mongolia. Yet this illustrates the need for these states to balance Peking's friendship with Moscow's and hardly proves a lack of serious intent on Moscow's part.

Cuba did not sign the treaty. Similar considerations of appeasing Peking play some role here also, but the Cubans do not face any threat of Russian invasion as with Rumania. Since the "anti-proliferation" ball to some extent got rolling with Khrushchev's submission to Kennedy's anti-proliferation demands on Soviet missiles in Cuba, it is understandable that Castro is in no mood to enshrine this bit of history. Cuba may have been close to becoming the fifth nuclear power in 1962; one does not celebrate being a near-miss.

Cuba has also refused to sign the Treaty of Tlatelolco which purportedly established a nuclear-free zone over all of Latin America.¹⁴ The relation of the treaty to non-proliferation is indeed complicated. The United States has adhered to the treaty's Protocol II on the understanding that it retains the right of transit through this area with such weapons. It would again have been difficult for Cuba to endorse a treaty which thus seemed to give the U.S. all it wanted, while renouncing forever Cuba's right to the weapons of 1962. The Soviet Union has also refused to endorse Tlatelolco, and this might be interpreted then as a concession to Cuba. Yet explicit Soviet objections to the Latin American treaty hinge also on its toleration for production of "peaceful nuclear explosives." The U.S.S.R. maintains that these are indistinguishable from bombs; in the process it again strengthens the line against nuclear proliferation, again at some possible cost of Latin American good will.

14. See DOCUMENTS ON DISARMAMENT 1967, *supra* note 12, at 538-39 for a summary of the Cuban position on the Treaty of Tlatelolco.

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tion of the NPT was first postponed because of the clear unwillingness of the Americans to ratify before the 1968 election, and then the uncertain commitment of President-elect Nixon to the treaty. With Bonn not yet having signed the treaty, the threat also remained that the West Germans would follow a Russian ratification by signing "with reservations," when the Soviet Union had already played its ratification card; the German reservations might have been phrased in terms of special exemptions from IAEA safeguards or in other ways unacceptable to Moscow. It would have been difficult for the Soviet Union to pull out of a treaty it had already ratified, especially if the NPT had already gone into effect; deposit of Soviet ratification was thus to come only after West Germany had signed the treaty.

For the super-powers, as for everyone else, the great issues on NPT are perhaps yet to come, delicate issues of interpretation which may upset or bolster the treaty. How much nuclear fuel or equipment can a party to the treaty sell to a non-party without demanding an acceptance of IAEA safeguards? How far can a non-weapons state go in developing and testing bomb designs without having violated the treaty? What kinds of political retaliation will apply to a country which, having rejected the treaty, also "violates" it by becoming the sixth nuclear power?

If the Soviet Union is at all ambivalent on these subjects, it is only because the first test case is so likely to be India. In principle Soviet commentators favor a very tough great-power interpretation of NPT where moves toward explosives are concerned. Research on weapons-designs should not be tolerated in non-weapons states, even though the treaty does not strictly forbid it (even though some countries, *e.g.*, Sweden, have already completed most of such research). Countries which do not sign NPT should not receive assistance on peaceful nuclear projects as readily as signatories, although the treaty again does not legislate such discrimination at all. Certainly nuclear assistance should not be given to a nation which is using its indigenous nuclear resources to make explosives, even if the assistance itself remains subject to IAEA safeguards;¹⁶ this again exceeds the requirements of the NPT.

Soviet arms control experts are willing to express these views most resolutely in the abstract, but a discussion of concrete instances introduces some equivocation. Clearly these attitudes will apply if Brazil were to try to manufacture nuclear explosives. Explicit toleration of an Israeli move to the bomb is never suggested. Yet when the question concerns India, the discussion is likely to turn to India's special strategic position vis-a-vis China, and it becomes clear that Moscow has not yet

16. N.Y. Times, Feb. 17, 1968, at 9, col. 2.

decided whether the abstract issue of proliferation will outweigh concrete political considerations in this case.

It would not be difficult for an outside observer to conclude that both super-powers are slowly becoming resigned to an Indian nuclear explosion, as each is aware that it could never fully trust the other to stick to a coordinated tough line where the friendship of such a populous country was at stake. In some ways the very Chinese presence on the Himalayas is psychologically preparing a "sixth" club membership for India. The NPT unfortunately defines only five memberships, and Indian explosives could thus undermine the entire NPT, *e.g.*, if Pakistan and Japan and Australia all choose to follow. Dissuading the Indians will be a difficult task for the super-powers, one that might yet fully challenge their political commitment to the halting of proliferation; yet it is plausible that the greater effort will now be devoted to uncoupling any "seventh" membership from an Indian move to nuclear weapons. Almost any other "ninth" power would draw more vehement resistance from the U.S.S.R. (and from the U.S.).

If Indian nuclear weapons were to be tolerated (which is hardly certain yet, as seen from New Delhi or from anywhere else), Moscow will be no less unhappy about proliferation to Germany, Japan, Israel, or Brazil. Nor is there evidence of any inclination to tolerate nuclear weapons in the hands of states currently receiving Soviet military assistance.

The U.S.S.R. in the end may not force Cuba to sign the NPT, or Egypt to ratify, but the treaty will hardly be meaningless for Soviet relations with these countries. Since the U.S.S.R. is party to the treaty, IAEA inspection must henceforth be applied over any significant peaceful nuclear assistance, and the Soviet Union further stands pledged not to hand over nuclear weapons. If Israel gets the bomb, and the U.A.R. comes to Moscow to request a matching capability, the Soviet leadership merely has to read the treaty back to Cairo to explain why the request cannot be granted. So also if Cuba comes, after Brazilian acquisition of a "peaceful nuclear explosive." The U.S.S.R. of course, could withdraw from the treaty to please its allies in these cases, but that would let West Germany off the hook. Soviet spokesmen in any event are quite specific in noting that Havana or Cairo will have to accept an IAEA presence if they want reactors now. The external inspection that Castro rejected after the missile crisis is (in a modified form, to be sure) now the price of nuclear electricity.

If the U.S.S.R. has been at all lax in the past in controlling the uses to which its nuclear assistance has been put, there are definite limits to any laxness in the future. East Germany and other Socialist countries with reactors will not be encouraged (allowed?) to build reprocessing plants for the plutonium produced, plants which could purify

the plutonium to what is weapons dictate, the material can be shipped, processing. Until commercial uses of plutonium will, moreover, be kept stored in the countries "owning" it. One prerequisite for IAEA safeguards are atomic energy, *e.g.*, nuclear propulsion. An IAEA inspector might seem to Italy in the West have projects that does not intend to encourage (allow) in nuclear-powered submarines or for such vessels can be denied.

Bonn's signature of NPT, and its part, has thus eased some Russian temptations for propaganda. German production of enriched uranium, and the Netherlands, would previously have tended to give Bonn bombs. So power reactors to Argentina or Brazil to Germany and the rest of Europe seriously will feel a little reassured. Democratic regime in Bonn will triumph of any right wing coalition.

The most important unsettled question end concern the inspection arrangements with the IAEA. Part of IAEA Germany will pertain to recognition. Most of the argument, however, will should be, since intensive inspection from an arms control point of view, economically. This will be an argument most "near-nuclear." The IAEA's stance the pressures it perceives from the U.S. past anti-Bonn propaganda, one might would insist on extremely thorough inspection. On the basis of the anti-inspection trend we might forecast a much more reassured

In principle the Soviet Union is quite anxious staffs of inspectors diluting the search for reliable inspection has been acknowledged nuclear weapons spread, but the host information and technical developments

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the plutonium to what is weapons grade. If commercial considerations dictate, the material can be shipped to and from the U.S.S.R. for re-processing. Until commercial uses in breeder reactors arise, such plutonium will, moreover, be kept stored in the Soviet Union, rather than in the countries "owning" it. One possible exception to the general requirement for IAEA safeguards arises with military non-bomb uses of atomic energy, *e.g.*, nuclear propulsion plants for naval vessels, where an IAEA inspector might seem unacceptable. The Netherlands and Italy in the West have projects for such vessels. The Soviet Union does not intend to encourage (allow?) Poland or Bulgaria to invest in nuclear-powered submarines or frigates either, since the tactical need for such vessels can be denied.

Bonn's signature of NPT, and the larger detente of which it is a part, has thus eased some Russian concerns as well as removed some temptations for propaganda. German participation in the centrifuge production of enriched uranium, along with Great Britain and the Netherlands, would previously have drawn charges that this was intended to give Bonn bombs. So similarly would German sales of power reactors to Argentina or Brazil. As IAEA inspection is applied to Germany and the rest of Europe, Russians who took such charges seriously will feel a little reassured. Continued tenure for the Social Democratic regime in Bonn will obviously enhance this feeling; the triumph of any right wing coalition might conversely upset it.

The most important unsettled question on the NPT may in the end concern the inspection arrangements signatory states must conclude with the IAEA. Part of IAEA's arguments with countries like Germany will pertain to recognition of any special status for Euratom. Most of the argument, however, will shift to how thorough inspection should be, since intensive inspection procedures are more reliable from an arms control point of view, but also more burdensome economically. This will be an argument with Germany, with Japan, with most "near-nuclears." The IAEA's stand, to some extent, will depend on the pressures it perceives from the U.S. and U.S.S.R. On the basis of past anti-Bonn propaganda, one might have feared that the U.S.S.R. would insist on extremely thorough inspection, to assure that no German bombs were clandestinely being assembled in the Black Forest. On the basis of the anti-inspection tradition of the U.S.S.R., however, we might forecast a much more reasonable approach.

In principle the Soviet Union is quite unenthusiastic about enormous staffs of inspectors diluting the sovereignty of countries. The need for reliable inspection has been acknowledged for the inhibition of nuclear weapons spread, but the hope is still expressed that automation and technical developments can reduce the need for direct

human access to civilian nuclear establishments. The number of inspectors, in the Soviet view just as in the West German, should not increase as a linear function of the amount of electricity produced.

It has thus been difficult for Moscow to take a clear position on German suggestions that "black boxes" located at "strategic points" can be used to reduce the human burden of IAEA inspection. As long as Moscow remains suspicious of Bonn and Euratom, it will view such arguments as a mere pleading for special exemptions; the Germans are trying to win a concession of legal principle which would excuse them from the supervision other nations must endure. As such suspicions are reduced, however, Bonn and Moscow may not so clearly remain at odds on this issue. West Germany is indeed trying to earn foreign exchange by selling such made-in-Germany "black boxes" to the IAEA, but the Soviet Union may welcome these as part of a technological way out of its political and psychological dilemmas on inspection.

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*Of the New Orleans Bar.

1. U.N. CHARTER art. 1, para. 1.